



Docket Clerk
Fruit and Vegetable Programs
Agricultural Marketing Service
U.S. Department of Agriculture
Room 2525-S
P.O. Box 96456
Washington, DC 20090-6456

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To Whom It May Concern:

I am writing to express my concerns for the cranberry volume control regulation that is being considered by the Department of Agriculture (USDA). I grow 58 acres of cranberries in Wood County - Wisconsin.

The two options developed by the Cranberry Marketing Committee (CMC) treat a large number growers inequitable, and should not be implemented by the Department. USDA option number 1 should not be implemented because it is unrealistic. All three of these options would make the situation worse for many growers. If implemented, they would cause great harm to my operation and many of my fellow cranberry growers.

The only option being discussed that is remotely fair is USDA option number 2. It is questionable whether the Department should go forward with any volume regulation at this point. If it does, the only way that USDA can ensure that all growers are treated the same is by implementing USDA option 2.

CMC Proposal Number 1

This regulation would be grossly unfair to a large number of cranberry growers. Some growers would see a small reduction in what they can deliver, but others would be forced to dump up to 50 percent of this years crop. So, the burden of volume restrictions would be carried for the most part by a small number of growers.

CMC Proposal Number 2

Despite being called a "compromise" by the CMC, this proposal is virtually no different than CMC option number one. In fact, it creates additional iniquities by rewarding the few growers that just started growing in the past 4 years and punishing existing growers that have added new acreage during the same time. I understand that the CMC ignored requests to look at other options. It is unfornuate that the Committee was unwilling to even consider ideas that would treat all growers equitably.

USDA Option Number 1

This option is unacceptable because it would require all growers to dispose of 30% or more of their sales history. It is simply unrealistic for the Department to think

that growers could survive after destroying such a large percentage of their crop. Despite the differences that exist in the industry, I know of no grower or handler that would support this option.

USDA Option Number 2

This is the only option on the table that could be considered fair to all growers. USDA option 2 would base sales history calculations on the best year out of the last six. Unlike the CMC proposals, this is a good faith attempt to determine grower sales history in an equitable fashion. It may not be perfect, but it is the fairest of the four options. If USDA moves forward, I believe it is obligated to use this option to ensure that it treats all growers equally.

Fresh Fruit Exemption

As it is structured, the fresh fruit exemption would compound the inequitable impact of these proposals. It gives handlers of fresh fruit broad flexibility in allocating the sales histories of their fresh fruit growers to their growers that deliver cranberries for processing. Two major handlers that deal in fresh fruit have stated publicly that this exemption will allow them to protect their growers. One even said that it would be able to modify its growers' volume reduction from 15 percent to 5 percent or less. That is inequitable to growers, like me, who sell to other handlers.

If the Department exempt fresh fruit, the sales history for that fruit should be forfeited to ensure that growers are not treated inequitably because they deliver to a handler that does not handle fresh fruit.

Conclusion

Cranberry prices are at historic lows, but USDA should not compound the problems that the industry is facing. No marketing order is preferable to the seriously flawed options that are being considered. If USDA feels that it must impose a volume regulation it should use USDA option number 2. At this point, that is the only method that would be fair to all growers. Everything else falls short of that goal.

Thank you for considering my comments.

Sincerely,

Tom Gardner
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